

State of Alaska's Testimony on the Reauthorization of the Coastal Zone Management Act

May 25, 2005

Honorable Chair and Committee members thank you for this opportunity to testify on the Reauthorization of the Coastal Zone Management Act. My name is Bill Jeffress; I am the Director of the Office of Project Management and Permitting with the Alaska Department of Natural Resources. Our office is responsible for the implementation of the Alaska Coastal Management Program, "ACMP."

Since 1977, the State of Alaska has relied on continued program approval and funding provided by the CZMA through NOAA's Office of Coastal and Resource Management, or "OCRM," to assist with the cooperative implementation of Alaska's coastal management program. We are proud of Alaska's program, which we feel successfully achieves the delicate balance between economic development in coastal regions and the protection of coastal uses and resources, and we are grateful for the federal funding provided through the CZMA for Alaska and its local coastal districts to operate our program effectively. However, after more than twenty-five years of implementing the ACMP, we recently determined that many aspects of the program had to be updated to improve the program's efficiency, allowing project applicants to timely obtain permits for responsible economic development while maintaining protection of our coastal uses and resources. Therefore, since 2003, Alaska has dedicated incalculable hours amending the ACMP to improve and streamline the program in order to meet the unique and specific needs of Alaska today and into the future. We are currently working with OCRM to obtain federal approval of our amended program.

Through our membership and participation in the Coastal States Organization, Alaska is very aware of the positions of other coastal states, territories, and trust properties, who require the highest level of “protection, restoration, enhancement, or creation of coastal wetlands, coral reefs, marshes, and barrier islands.” However, Alaska is at the opposite end of the spectrum from the majority of other coastal states. Where other states are striving to protect, preserve, restore, or enhance remaining areas of undeveloped shoreline or restore previously disturbed shoreline areas after centuries of development, Alaska has yet to develop even 1% of our more than 44,900 miles of shoreline. Development is rendered all the more difficult since the vast majority of this shoreline is extremely remote and is accessible only by boat or aircraft.

In addition to having over twice the length of shoreline of all the other coastal states combined, Alaska is the nation’s only arctic state, making its environmental issues more akin to Russia, Sweden, Norway, Greenland and Canada than to other U.S. states. Alaska is also the largest ocean state in the country, bordered by the North Pacific Ocean, the Bering Sea, the Chukchi Sea, and the Beaufort Sea. Alaska occupies 20% of the nation’s land base, contains half of the nation’s wetlands, and 40% of the nation’s surface water.

Alaska’s proven yet unexplored natural resources are greater than any other state. Alaska’s oceans and coastal watershed produce 25% of the nation’s oil, over 50% of the nation’s seafood, and a large percentage of the nation’s minerals from several world class mines. In short, Alaska is a fundamentally unique territory, with dramatically different, often divergent, goals and impediments than any other coastal state.

Because of the vast difference between Alaska and other states, Federal programs that very well meet the needs of other states often do not adapt to Alaska. National goals sometimes are at odds with what makes sense for Alaska. Federal flexibility to balance national policies with local conditions is required to properly and effectively manage our coastal and other resources. Indeed, Alaska has a long history of working successfully in collaboration with federal and local jurisdictions on ocean and coastal issues. From joint State and federal oil and gas lease sales in the Beaufort Sea, to the continuing work with OCRM for the approval of the requested amendment of the Alaska Coastal Management Program, Alaska has a great deal of experience in the benefits of intergovernmental coordination for managing ocean, coastal, and watershed resources.

Alaska supports the reauthorization of the Coastal Zone Management Act with the same clear direction that motivated the Congress to originally pass this legislation, which was “to encourage and assist the [coastal] states to achieve wise use of the land and water resources of the coastal zone, giving full consideration to ecological, cultural, historic, and esthetic values as well as the need for compatible economic development.” Alaska supports the overall goals of the CZMA. However, we request that provisions be made to accommodate Alaska’s unique geographic setting, cultural diversity, expansive yet underdeveloped coastal shoreline, and our great potential for natural resource development to ultimately support both State and National interests.

An excellent example of the need for legislative accommodation for Alaska is the application of the CZMA’s federal “effects test.” Under this test, every federal agency activity within or outside the coastal zone that affects any land or water use or natural

resource of the coastal zone is subject to a state consistency review. But because under the CZMA regulations, “effects” are so broadly defined to include not just environmental effects, but secondary, cumulative, indirect and remote effects on coastal uses, a federal consistency determination would be required for a federal activity hundreds of miles inland that cumulatively and indirectly affect the coast. This potentially onerous requirement could stymie or impede development in a manner presumably never anticipated by the drafters of the regulatory language.

Alaska does not advocate removal of the federal effects test, as the State has a keen interest in ensuring that inland federal activities that have a foreseeable, significant effect on coastal uses and resources are reviewed for consistency with Alaska’s coastal management program. But Alaska does advocate subjecting itself, and any other similarly unique geographical state, to a “modified effects test,” whereby the definition of “effects” was revised to include only impacts that “directly and significantly affect the uses or resources of the coastal zone.”

In conclusion we believe that the Alaska Coastal Management Program, operated under the approval and oversight of the federal Coastal Zone Management Act, is a worthwhile and valuable program. However, in order to improve its performance and efficacy, there is a vital need for flexibility in the application of the CZMA to Alaska’s coastal management program, which manages our nation’s most uniquely immense and diverse coastline.

Thank you again for this opportunity to testify before this Committee.